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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,289	09/08/2005	Alistair Chalmers Ramsay Brown	JMYS-124US	2954
23122	7590	11/13/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			CHU, YONG LIANG	
VALLEY FORGE, PA 19482-0980			ART UNIT	PAPER NUMBER
			1626	
			MAIL DATE	DELIVERY MODE
			11/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/528,289

Applicant(s)

BROWN, ALISTAIR CHALMERS
RAMSAY

Examiner

Yong Chu

Art Unit

1626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-12.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

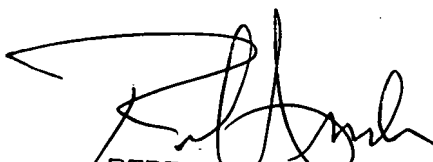
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

REBECCA ANDERSON
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The response filed on 10/24/2007 failed to respond to the rejection of claims 1-12 under USC112, 2nd paragraph on pages 5-6 of the Final Office action dated on 07/24/2007, as failing to set forth the subject matter which applicant regard as their invention. More specifically, the reply filed on 05/02/2007, last paragraph of page 7, it states "In the process as claimed in amended independent claim 1, by contrast, sulfur compounds are added to a feed stream with the intention that they are decomposed so that the catalyst is treated with sulfur." This statement indicates that "sulfur" not sulfur compound (i.e. thiphone, or organic sulfur) is claimed as the key attribute of the instant invention, which is distinct from the '467 patent, which claims sulfur compound is used, not sulfur ("S"). However, the instant claim 1 does not claim using sulfur "S" for treating the catalyst, instead, organic sulfur is added to the feeding stream. Therefore, it is not clear which subject matter the Applicant intends to claim. Adding organic sulfur compound to the feeding stream as instantly claimed is obvious to the prior art teaching of pre-existing sulfur compound in the feeding stream, because both processes function same in terms of treating the catalyst. Also, please see the Abstract of the '467 patent for the clear description of the prior art teaching. In terms of argument of the patentability of claim 6 for the non-obvious step C, it is not persuasive, because it is obvious to one skilled in the art, the step C is used to "purge" the surface of the used catalyst for another cycle of the reduction reaction. Because the Specification fails to articulate the critics of step C, it is considered obvious step to one skilled in the art. Finally, Applicant's comment on the ODP rejection in the final rejection is correct. The ODP rejection has been withdrawn.



REBECCA ANDERSON
PRIMARY EXAMINER